

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CT-3038-FL

FREDDIE DAVIS,)
)
Plaintiff,)
)
v.) ORDER
)
WARDEN BEELER, et al.,)
)
Defendants.)
)

NO. 5:09-CT-3062-FL

FREDDIE DAVIS,)
)
Plaintiffs,)
)
v.) ORDER
)
FEDERAL BUREAU OF PRISONS, et)
al.,)
)
Defendants.)

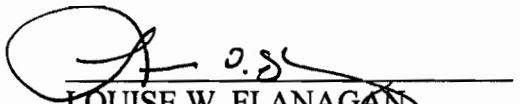
The United States Attorney filed a suggestion of death on June 11, 2010. Federal Rule of Civil Procedure 25(a)(1) provides:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

The ninety (90) day period for filing a motion for substitution of the proper party has lapsed, there

has been no motion filed. Accordingly, this consolidated action is DISMISSED. All pending motions are DENIED AS MOOT. The Clerk of Court is DIRECTED to close these consolidated cases.

SO ORDERED, this the 14 day of September, 2010.



LOUISE W. FLANAGAN
Chief United States District Judge